

CLOSED

**U.S. District Court  
Northern District of Florida - District Version 3.0 (Panama City)  
CRIMINAL DOCKET FOR CASE #: 5:07-mj-00076-LB All Defendants  
Internal Use Only**

Case title: USA v. MCCLELLAN  
Other court case number: 1:05CR165-001 MIDDLE DISTRICT OF  
ALABAMA

Date Filed: 06/22/2007  
Date Terminated: 06/28/2007

Assigned to: MAGISTRATE JUDGE LARRY  
BODIFORD

**Defendant**

**DANIEL L MCCLELLAN (1)**  
TERMINATED: 06/28/2007

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None


**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**CERTIFIED A TRUE COPY**  
**WILLIAM M. McCOOL, Clerk**  
By:   
**Deputy Clerk**

**Complaints**

None

**Disposition**

**Plaintiff**

USA

Date Filed	#	Docket Text
06/22/2007	<a href="#"><u>1</u></a>	(Copy of) VIOLATION PETITION from the MD/AL as to DANIEL L MCCLELLAN MD/AL Case Number: 1:05CR165-001 (kmb) (Entered: 06/28/2007)
06/25/2007	<a href="#"><u>2</u></a>	Minute Entry for proceedings held before Judge LARRY BODIFORD: Initial Appearance as to DANIEL L MCCLELLAN held on 6/25/2007. Dft WAIVED identity and agreed to return to Montgomery, AL to face charges. (Tape # CD 2007) (Attachments: # <a href="#"><u>1</u></a> Judge Checklist) (kmb) (Entered: 06/28/2007)
06/25/2007	<a href="#"><u>3</u></a>	WAIVER of Rule 5(c)(3) Hearing by DANIEL L MCCLELLAN (kmb) (Entered: 06/28/2007)

06/25/2007	4	ORDER: COMMITMENT TO ANOTHER DISTRICT as to DANIEL L MCCLELLAN Signed by Judge LARRY BODIFORD on 6/25/2007. (kmb) (Entered: 06/28/2007)
06/28/2007	5	Letter from ND/FL to the MD/AL transferring the ORIGINAL paperwork from 2 Hearing. (kmb) (Entered: 06/28/2007)
06/28/2007		(Court only) ***Criminal Case Terminated, ***Terminated defendant DANIEL L MCCLELLAN, pending deadlines, and motions. (kmb) (Entered: 06/28/2007)

AO 94 (Rev. 8/97) Commitment to Another District

## UNITED STATES DISTRICT COURT

NORTHERN

District of

FLORIDA

UNITED STATES OF AMERICA  
V.COMMITMENT  
TO ANOTHER DISTRICT

DANIEL L. MCCLELLAN

## DOCKET NUMBER

## MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

Northern District of Florida

1:05CR00165-001

5:07MJ76-LAB

Middle District of Alabama

## CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment☐ Information☐ Complaint☒ Other:

charging a violation of 18 § 3583

## DISTRICT OF OFFENSE

MIDDLE DISTRICT OF ALABAMA

## DESCRIPTION OF CHARGES:

VIOLATION OF SUPERVISED RELEASE

FILED IN OPEN COURT THIS

6/25/07

CLERK, U.S. DIST. CT.  
COURT, NORTH. DIST. FLA.

## CURRENT BOND STATUS:

☐ Bail fixed at

and conditions were not met

☐ Government moved for detention and defendant detained after hearing in District of Arrest☒ Government moved for detention and defendant detained pending detention hearing in District of Offense☐ OtherRepresentation: ☐ Retained Own Counsel ☐ Federal Defender Organization ☐ CJA Attorney ☒ NoneInterpreter ☒ No ☐ Yes Language

## DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

June 25, 2007

Date

  
 Larry A. Bodiford, U.S. Magistrate Judge

## RETURN

## This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

-4-

## UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

**WAIVER OF RULE 5 HEARINGS**  
(All Criminal Cases)

V.

JUDGE: Larry A. Bodiford

DANIEL M. MCCLELLAN

Defendant

CASE NUMBER: 5:07MJ76-LAB

I understand that charges are pending in the MIDDLE District of ALABAMAalleging violation of 18 U.S.C. § 3583 and that I have been arrested in this district and

(Title and Section / Probation / Supervised Release)

taken before a United States magistrate judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;

**- Check one only -****[ ] ALL CASES EXCEPT PROBATION OR SUPERVISED RELEASE:**

- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

**[\*] PROBATION OR SUPERVISED RELEASE VIOLATION CASES:**

- (3) a preliminary hearing (but only if I will be kept in custody, and only to be held in this district if the violation occurred here) to determine whether there is probable cause to believe a violation occurred; and
- (4) a hearing under Rule 32.1(a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

**I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):**

- ( ) identity hearing
- ( ) preliminary hearing
- ☒ identity hearing and have been informed I have no right to a preliminary hearing
- ☒ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

*Daniel M. McClellan*  
 Defendant: Daniel M. McClellan

June 25, 2007

Date

Waived by Dft. *DL*  
 Defense Counsel:

FILED IN OPEN COURT THIS

6/25/07CLERK, U.S. DISTRICT  
COURT, NORTH DISTRICT

-3-

**UNITED STATES DISTRICT COURT  
CRIMINAL MINUTES**

Case No. 5:07MJ76-LAB

Date: June 25, 2007

DOCKET ENTRY: INITIAL APPEARANCE ON A **VIOLATION PETITION** - RULE 5  
Out

PRESENT: Honorable Larry A. Bodiford, United States Magistrate  
Judge

Kathy Keeton, Deputy Clerk  
CD: 2007, Court Reporter  
NONE PRESENT, Asst. U. S. Attorney  
NONE PRESENT, Defense Attorney  
DANIEL L. MCCLELLAN, Defendant  
☒ Custody; \_\_\_ Bond; \_\_\_ O/R

**PROCEEDINGS:**

- ☒ Defendant advised that he is before a United States Magistrate Judge.
- ☒ Defendant advised of charges against him, penalties and fines.
- ☒ Defendant advised not to make any statement before consulting an attorney.
- ☒ Defendant advised of his right to hire counsel or have counsel appointed.
- \_\_\_ Defendant executed CJA Form 23 (Financial Affidavit) and sworn to its accuracy.
- \_\_\_ Defendant appointed the services of the Federal Public Defender
- \_\_\_ Defendant declined to complete CJA Form 23, and was advised that should he subsequently change his mind, he should file a CJA 23 with Clerk of Court.
- \_\_\_ Defendant will hire his own Counsel: \_\_\_\_\_
- \_\_\_ Defendant waived counsel for these proceedings only.
- \_\_\_ Defendant advised of his right to reasonable bail.
- ☒ Government moves for a temporary detention hearing.
- ☒ The dft agreed to return to the Middle District of Alabama to face pending charges. Detention Hearing will be set in the Middle District of Alabama upon the defendant's arrival in the district.
- \_\_\_ Detention Hearing: \_\_\_\_\_
- \_\_\_ Defendant released on \$25,000 UNSECURED bond. Defendant will be notified her next court date by the District of Alaska.
- \_\_\_ Defendant arraigned for trial.
  - \_\_\_ Waived Formal Reading of the Indictment
  - \_\_\_ Entered plea of NOT GUILTY on all counts
  - \_\_\_ Trial Date: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

UNITED STATES OF AMERICA

DOCKET NO: 5:07MJ76-LAB  
APPEARANCE

vs.

DATE: June 25, 2007

DANIEL M. MCCLELLAN

-----  
INITIAL APPEARANCE BEFORE UNITED STATES MAGISTRATE

I, LARRY A. BODIFORD, United States Magistrate for the Northern District of Florida, do hereby certify that the Defendant appeared with \_\_\_\_\_ without ☒ an attorney, and that I have this date advised the Defendant of the following rights and taken the following action:

- ☒ 1. Advised that he/she is before a United States Magistrate
- ☒ 2. Advised of the charge or charges
- ☒ 3. Advised that he/she does not have to make any statement; that he/she has a right to consult with an attorney before making any statement; that any statement that he/she makes could be used against him/her
- ☒ 4. Advised of right to hire an attorney, or have an attorney appointed if, after inquiry, Defendant is found to be unable to hire an attorney
- \_\_\_\_ 5. Defendant executed CJA Form 23
- \_\_\_\_ 6. Federal public defender appointed after determination defendant unable to hire an attorney
- \_\_\_\_ 7. Defendant waived an attorney for initial appearance proceedings only
- \_\_\_\_ 8. Advised that waiver does not prevent representation by an attorney for trial or any other judicial proceedings
- \_\_\_\_ 9. Defendant signed \_\_\_\_\_ refused to sign \_\_\_\_\_ waiver after having waived an attorney
- \_\_\_\_ 10. Advised Defendant that he/she should obtain and file CJA 23 if Defendant subsequently decides to request appointment of an attorney

- \_\_\_\_11. Defendant admitted financial ability to employ an attorney  
Attorney:\_\_\_\_\_
- \_\_\_\_12. Defendant admitted\_\_\_\_\_ Magistrate found\_\_\_\_\_ Defendant is financially able to employ an attorney
- \_\_\_\_13. Advised of right to preliminary hearing as to probable cause on the charge/charges filed
- \_\_\_\_14. Advised no right to preliminary hearing
- \_\_\_\_15. Advised of right to waive preliminary hearing
- \_\_\_\_16. Advised of right to subpoena witnesses and produce evidence at preliminary hearing
- \_\_\_\_17. Advised of the consequences of waiver of preliminary hearing
- \_\_\_\_18. Advised of the consequences after preliminary hearing
- \_\_\_\_19. Waived preliminary hearing
- \_\_\_\_20. Fix date and time for preliminary hearing  
\_\_\_\_\_
- \_\_\_\_21. Fix date and time for arraignment  
\_\_\_\_\_
- \_\_\_\_22. Defendant ordered discharged
- \_\_\_\_23. Defendant ordered bound over to District Court
- \_\_\_\_24. Advised of right to have reasonable bond set
- \_\_\_\_25. Bail set  
(Amount \$\_\_\_\_\_ Type \_\_\_\_\_)
- \_\_\_\_26. Defendant released on bail
- \_\_\_\_27. Defendant committed.



LARRY A. BODIFORD  
UNITED STATES MAGISTRATE

Judge's Notes:

Rule 5 M.D. of Montgomery

Case 1:05-cr-00165-MEF-CSC Document 5 \*SEALED\* Filed 02/13/2006 Page 1 of 2

PROB 12C  
(7/03)

## United States District Court

for

5:07MS76-LAB

Middle District of Alabama

### Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: DANIEL L. MCCLELLAN

Case Number: 1:05CR00165-001

Name of Sentencing Judicial Officer: Honorable James D. Todd, U.S. District Judge, Western District of Tennessee. Jurisdiction transferred to the Middle District of Alabama; assigned to Honorable Mark E. Fuller, Chief U.S. DISTRICT Judge

Date of Original Sentence: March 2, 2000

Original Offense: Felon in Possession of Firearm; 18 USC 922 (g), a Class C Felony

Original Sentence: 70 Months custody of the Federal Bureau of Prisons; two (2) years Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 18, 2005

Assistant U.S. Attorney: Louis Franklin

Defense Attorney: Federal Defender

### PETITIONING THE COURT

- ☐ To issue a summons  
☒ To issue a warrant

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number

Nature of Noncompliance

1. Violation of condition of supervised release which states, "The defendant shall not commit another federal, state, or local crime."

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was not able to produce a valid drivers license as his Alabama license had been suspended. McClellan was placed under arrest for Driving While License Suspended or Revoked and Sgt. Tate searched his person. Sgt. Tate located a loaded .22 caliber pistol in McClellan's right cargo pants pocket. McClellan was charged with Carrying a Concealed Firearm.

2. Violation of condition of supervised release which states, "The defendant shall not commit another federal, state, or local crime."

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was placed under arrest for Driving While License Suspended or Revoked and Sgt. Tate searched his person. Sgt. Tate located a loaded .22 caliber pistol in McClellan's right cargo pants pocket. A search of the vehicle revealed a loaded 9mm pistol in a black garbage bag between the front driver and passenger seat. McClellan was charged with Possession of a Firearm by a Convicted Felon.

2007 JUN 22 AM 10:06

KMR  
FILED

ATTEST: A True Copy.  
Certified to  
Clerk, U.S. District Court,  
Middle District of Alabama

BY

2/13.2006  
Deputy Clerk



Case 1:05-cr-00165-MEF-CSC Document 5 \*SEALED\* Filed 02/13/2006 Page 2 of 2

PROB 12C  
(7/03)

3. Violation of condition of supervised release which states, "The defendant shall not possess a firearm as defined in 18 USC § 921."

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was placed under arrest for Driving While License Suspended or Revoked due to his Alabama drivers license being suspended. Sgt. Tate searched his person, and located a loaded .22 caliber pistol in McClellan's right cargo pants pocket.

4. Violation of condition of supervised release which states, "The defendant shall not possess a firearm as defined in 18 USC § 921."

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was placed under arrest for Driving While License Suspended or Revoked due to his Alabama drivers license being suspended. A search of the vehicle revealed a loaded 9mm pistol in a black garbage bag between the front driver and passenger seat.

U.S. Probation Officer Recommendation:

- [X] The term of supervision should be  
[X] revoked.  
[] extended one year

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2006

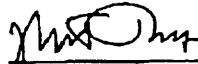
/s/ Louis D. Johns, Jr.  
Louis D. Johns, Jr.  
U.S. Probation Officer

Reviewed and approved: 

Leslie P. Craft, Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- [X] The Issuance of a Warrant  
[] The Issuance of a Summons  
[] No Action  
[] Other

  
Myron H. Thompson  
United States District Judge

February 13, 2006  
Date

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF FLORIDA**  
**OFFICE OF THE CLERK**

**WILLIAM M. McCOOL**  
CLERK OF COURT  
U.S. COURTHOUSE, SUITE 322  
111 N. ADAMS STREET  
TALLAHASSEE, FLORIDA 32301-7717

**SHEILA HURST-RAYBORN**  
CHIEF DEPUTY CLERK  
U.S. COURTHOUSE SUITE 322  
111 N. ADAMS STREET  
TALLAHASSEE, FLORIDA 32301-7717

June 28, 2007

Clerk, U.S. District Court  
P.O. Box 1248  
Montgomery, AL 36102

Re: USA v. DANIEL L. MCCLELLAN  
ND/FL Case Number: 5:07MJ76-LAB  
MD/FL Case Number: 1:05CR00165-001

Dear Clerk,

Enclosed you will find the original paperwork from the Initial Appearance and Removal Hearing of Daniel L. McClellan.

Please indicate receipt on the enclosed copy of this letter and return.

Sincerely,  
WILLIAM M. McCOOL, CLERK OF COURT

**s/ Kathy Keeton**  
Deputy Clerk: Kathy Keeton

**RECEIVED:**

**DATE:** \_\_\_\_\_

**BY:** \_\_\_\_\_

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Tallahassee Division (850) 521-3501 Pensacola Division (850) 435-8440 Gainesville Division (352) 380-2400 Panama City Division (850) 769-4556

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